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7 **UNITED STATES DISTRICT COURT**
DISTRICT OF NEVADA

8 UNITED STATES OF AMERICA,

9 Plaintiff,

10 v.

11 JUAN LUIS SOSA TAMAYO,

12 Defendant.

Case No. 2:20-cr-00194-JAD-DJA

**STIPULATION AND ORDER FOR
PRE-SENTENCE PAYMENT
TOWARD RESTITUTION**

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14 The parties, pursuant to 28 U.S.C. §§ 2041-2042, hereby stipulate to the pre-sentence
15 deposit of funds to be later withdrawn and applied toward Defendant Juan Luis Sosa
16 Tamayo's restitution amount in this matter at the time judgment is entered. The stipulation
is based on the following:

17 1. On August 5, 2020, Defendant Juan Luis Sosa Tamayo ("Sosa") was
18 charged by indictment with one count of Conspiracy to Commit Access Device Fraud in
19 violation of 18 U.S.C. § 1029(a)(3), one count of Use of Unauthorized Access Devices in
20 violation of 18 U.S.C. § 1029(a)(2) and (c)(1)(A)(i) and 2, one count of Possession of
21 Fifteen or More Counterfeit and Unauthorized Access Devices in violation of 18 U.S.C. §
22 1029(a)(3) and (c)(1)(A)(i) and 2, two counts of Use of Unauthorized Access Devices in
23 violation of 18 U.S.C. § 1029(a)(2) and (c)(1)(A)(i) and 2, and two counts of Aggravated
24 Identity Theft in violation of 18 U.S.C. § 1028A(a)(1) and 2. ECF No. 1.

1 2. The parties anticipate the provisions of the Mandatory Victims Restitution
2 Act, 18 U.S.C. § 3663A et seq will apply to this case, based on Sosa's guilty plea on
3 September 14, 2022.

4 3. The United States Secret Service currently has in its possession cash in the
5 amount of \$83,458.25, which was seized on or around August 6, 2020, from a residence
6 associated with Sosa.

7 5. The parties have conferred and hereby stipulate to the pre-sentence deposit of
8 restitution funds held by the United States Secret Service to the Clerk of Court, to be held
9 until the Judgment is entered in this matter by the Court, or further order of the Court.

10 6. The parties seek an order directing the Clerk of Court to accept a payment on
11 behalf of Sosa for the pre-sentence payment of restitution. Pursuant to 28 U.S.C. § 2041, the
12 Clerk of Court is authorized to accept and hold such funds on behalf of Sosa until the time
13 of sentencing or further order of the Court. Further, pursuant to 28 U.S.C. § 2042, the parties
14 request an order that upon the entry of a criminal judgment in this case, the Clerk of Court
15 is to withdraw and apply the deposited funds to the criminal financial obligations, including
16 restitution, imposed against Sosa in the sequence established in 18 U.S.C. § 3612(c).

17 7. Payment may be submitted by cash, cashier's check, or money order made
18 payable to "Clerk, U.S. District Court" with "2:20-cr-00194-JAD-DJA" noted on each
19 payment mailed or delivered to:

20 Clerk of the Court, District of Nevada
21 333 Las Vegas Boulevard, South
22 Room 1334
23 Las Vegas, Nevada 89101

24 WHEREFORE, the parties stipulate for an order directing the Clerk of Court to
accept pre-sentence payments to be held on deposit until judgment is entered, and thereafter
applied toward the criminal monetary penalties, including restitution, imposed in this

1 matter as provided by law and in accordance with the Clerk's standard operating
2 procedures, or until further order of the Court.

3 Respectfully submitted this 15th day of September, 2022.

4 JASON M. FRIERSON
5 United States Attorney

PITARO & FUMO, CHTD.

6 /s/ Eric Schmale
ERIC SCHMALE
7 Assistant United States Attorney

/s/ Thomas Pitaro
THOMAS F. PITARO, ESQ.
Counsel for Defendant Juan Sosa Tamayo

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9 **IT IS SO ORDERED:**

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11 _____
UNITED STATES DISTRICT JUDGE

12 DATED: 9/28/2022
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